

## *RIGHT TO KNOW LAW*

The Right to Know law –NH State Statutes: RSA91-A:4 through 91-A:6 follows the basic rule that information concerning the business of a town or city, in any format, is a public record and must be made available to the public upon request unless it is exempt from disclosure under RSA91-A:5 or elsewhere in the law.

Records must be available during regular business hours at the regular business premises of that public body. If a record is not immediately available, the town or city must respond to the request within 5 business days by either providing the record, denying the request in writing with reason, or providing a written acknowledgement of the request and a statement of the time necessary to deny or fulfill the request.

- **Copies:** Anyone may make notes, tapes or copies of public records. Records should never be handed over for copying or loaned out. Municipalities may make copies for citizens and charge them the actual cost of the copies.
- \* **Format:** Public records must be maintained in a manner that makes them accessible to the public. Records may be provided in any format in which the municipality already has them, but if one of those formats is more convenient than the others, the municipality must make it available in that more convenient format
- **Motive of the Person Requesting a Record:** It is irrelevant and should not be questioned.
- **Raw Materials and working Documents:** Raw materials (tapes notes) used to compile official minutes are public records so long as they are retained. Preliminary documents are public documents even if they are not in final form unless they are exempt for some other reasons.

### EXEMPTIONS TO THE DISCLOSURE REQUIREMENT INCLUDE::

- Records pertaining to internal personnel practices
- Medical, welfare, library user and videotape sales or rental records
- Confidential, commercial or financial information and any other records whose disclosure would be an invasion of privacy
- Notes or materials made for personal use which do not have an official purpose, including notes and materials made prior to, during or after a public proceeding
- Preliminary drafts, notes and memoranda and other documents not in their final form and not disclosed, circulated or available to a quorum of a public body
- some law enforcement files (but not all)
- Written legal advice.

**PARTIAL RELEASE:** If only part of a public record is exempt from disclosure, the part that is not protected will be released.

Source: New Hampshire Local Government Center